

OMB NO. 1820-0030
Expires: 06/30/2012

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2010**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600**

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

- ☒ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
- ☐ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2011. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- ☐ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ☒ a. Section II.A provides documentation of completion of all issues identified in the FFY 2009 conditional approval letter.
- ☐ b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2009 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2009 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2009 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2009 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
X		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
X		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		§§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
X		8. Agencies in the State comply with 34 CFR §§ 300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
X		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(b)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
X		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
	X The state cannot make this assurance and will be requesting a waiver for the fiscal year 2009-2010.	18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. (Note: Check either "23b.1" or "23b.2" whichever applies.
X		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		23b.2 The State Educational Agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
X		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
X		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State Educational Agency is providing the following certifications:

Yes	
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
X	2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A); 34 CFR 300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1);

34 CFR §300.171.

D. Statement

I certify that the State of ____South Carolina__ can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2011. (34 CFR §76.104)

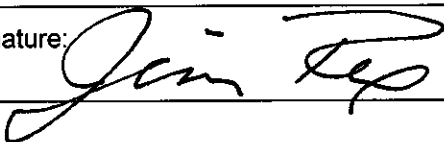
I, the undersigned authorized official of the

(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2010 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Signature:



Date:

2/25/10

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act - 20 U.S.C. 1411(e)(5); 34 CFR §300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the 2010 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR §300.704)

¹ Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

South Carolina

FFY 2010

REGULAR AWARD AMOUNT Est.

TOTAL AWARD AMOUNT

ADMINISTRATION

Sec.
III

Maximum Available for Administration.

How much do you want to set aside for Administration in dollars?

You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a.

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b.

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration

funds that you may use for these 4 activities is:

\$477,013

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c.

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

d.

To assist local educational agencies in meeting personnel shortages.

e.

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f.

\$0

Subtotal, Administration funds used for Other State-Level Activities

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g.

\$0

The total of details for your Administration set-aside is

OTHER STATE-LEVEL ACTIVITIES

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$17,554,669

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$15,799,203

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$18,432,403

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$16,676,936

Do you wish to use funds for a High Cost Fund? (Yes or No)

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision **NOT TO** use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

No

\$15,799,203

How much do you want to set aside for Other State-Level Activities?

You must distribute the amount you want to set aside for Other State-Level Activities the following activities. You can distribute amounts in any order you wish. The total balance remaining to be distributed at any time appears in red.

Required Activities:

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$850,000

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$150,000

Optional Authorized Activities:

For support and direct services, including technical assistance, personnel preparation, and professional development and training

j. \$1,000,000

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

k. \$400,000

To assist local educational agencies in meeting personnel shortages.

l. \$3,000,000

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

m. \$800,000

To support paperwork reduction activities, including expanding the use of technology in the IEP process.

n. \$3,000,000

To improve the use of technology in the classroom by children with disabilities to enhance learning.

o. \$1,000,000

To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

p.

Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.

q.

Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.

r.

To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.

s.

To provide technical assistance to schools and LEAs, and direct services, including supplemental educational services as defined in Section 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under Section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under Section 1111(b)(2)(G) of the Elementary and Secondary Education Act of 1965.

t.

The total of details for your Other State-Level Activities set-aside is

You are almost done.

If you are using money for a High Cost Fund. You must report how

much you will use for each of the following two activities. You reported that you would use

\$0

To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.

u. \$0

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.)

v. \$0

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund

\$0

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR §300.199)

LEGAL NOTICE TO NOTIFY INTERESTED PERSONS OF OPPORTUNITY TO ATTEND PUBLIC INPUT SESSION ON PROPOSED AMENDMENT TO 24 S.C. CODE ANN. REGS 43-243, (Supp. 2006) SPECIAL EDUCATION, EDUCATION OF CHILDREN WITH DISABILITIES

The South Carolina Department of Education, (Department) Office of Exceptional Children announces public input hearings to solicit comment on the amendment to 24 S.C. Code Ann. Regs. 43-234 Special Education, Education of Children with Disabilities. The public is invited to comment on the proposed amendment to the regulations on:

November 9, 2009

M. S. Child Development Center
625 Elizabeth Street
Clinton, Sc 29325

November 12, 2009

Colleton Annex Learning Center
609 Colleton Loop
Walterboro, SC 29488

November 16, 2009

Lexington County School District Office
100 Tarrar Springs Road
Lexington, SC 29072

November 18, 2009

Pee Dee Education Center
520 Francis Marion Road
Florence, SC 29506

The Department will present proposed amendments to the regulation and accept comments on these proposed amendments. The Individuals with Disabilities Education Improvement Act of 2004 was amended in December 2008 in the areas of parental consent for continued special education and related services; non-attorney representation in due process hearings; State monitoring, technical assistance, and enforcement; and allocation of funds. The amendments also incorporate a requirement relating to positive efforts to employ and advance in employment individuals with disabilities that was inadvertently omitted from the 2006 federal regulations, enforcement of violations of confidentiality, and the appeals process available to local districts determined ineligible for funding. The amendments to the State Board of Education regulation are needed to align these regulations with federal requirements.

All comments submitted by **5pm on November 30, 2009**, will be reviewed and considered. Any changes to the proposed regulations will be made as a result of this consideration of comments. A copy of the proposed amendment may be obtained by contacting the Office of Exceptional Children at 803-734-6516. The amendments will also be posted on the Department's Web site at <http://www.ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children> after Friday, November 6, 2009. Individuals may also submit comments in writing to Marlene Metts, Office of Exceptional Children, State Department of Education, 1429 Senate Street, Room 808, Columbia, South Carolina, 29201. Individuals needing the proposed

amendment in an alternative format or requiring accommodations in order to participate in the public hearings should contact the Office of Exceptional Children at 803-734-6516.

From: Marlene Metts
To: diane.flashnick@fedfamsc.org; Family Connections; info@fedfamsc.org; ...
Date: 11/2/2009 9:02 AM
Subject: Notice of Public Hearings
Attachments: LEGAL NOTICE TO NOTIFY INTERESTED PERSONS OF OPPORTUNITY TO ATTEND
PUBLIC I
NPUT SESSION ON PROPOSED AMENDMENT TO 24 S.doc

Please help us disseminate this notice.
Thank you!

Marlene Metts, Director
Office of Exceptional Children
mametts@ed.sc.gov
Office: 803-734-8806
Fax: 803-734-4824

**LEGAL NOTICE TO NOTIFY INTERESTED PERSONS OF OPPORTUNITY
TO ATTEND PUBLIC INPUT SESSION ON PROPOSED AMENDMENT TO
24 S.C. CODE ANN. REGS 43-243, (Supp. 2006) SPECIAL EDUCATION,
EDUCATION OF CHILDREN WITH DISABILITIES**

The South Carolina Department of Education, (Department) Office of Exceptional Children announces public input hearings to solicit comment on the amendment to 24 S.C. Code Ann. Regs. 43-234 Special Education, Education of Children with Disabilities. The public is invited to comment on the proposed amendment to the regulations on:

November 9, 2009

M. S. Child Development Center
625 Elizabeth Street
Clinton, SC 29325

November 12, 2009

Colleton Annex Learning Center
609 Colleton Loop
Walterboro, SC 29488

November 16, 2009

Lexington County School District Office
100 Tarrar Springs Road
Lexington, SC 29072

November 18, 2009

Pee Dee Education Center
520 Francis Marion Road
Florence, SC 29506

All meetings will be held from 5:30pm-7:00pm

The Department will present proposed amendments to the regulation and accept comments on these proposed amendments. The Individuals with Disabilities Education Improvement Act of 2004 was amended in December 2008 in the areas of parental consent for continued special education and related services; non-attorney representation in due process hearings; State monitoring, technical assistance, and enforcement; and allocation of funds. The amendments also incorporate a requirement relating to positive efforts to employ and advance in employment individuals with disabilities that was inadvertently omitted from the 2006 federal regulations, enforcement of violations of confidentiality, and the appeals process available to local districts determined ineligible for funding. The amendments to the State Board of Education regulation are needed to align these regulations with federal requirements.

All comments submitted by **5pm on November 30, 2009**, will be reviewed and considered. Any changes to the proposed regulations will be made as a result of this consideration of comments. A copy of the proposed amendment may be obtained by contacting the Office of Exceptional Children at 803-734-6516. The amendments will also be posted on the Department's Web site at <http://www.ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children> after Friday, November 6, 2009. Individuals may also submit comments in writing to Marlene Metts, Office of Exceptional Children, State Department of Education, 1429 Senate Street, Room 808, Columbia, South Carolina, 29201. Individuals needing the proposed amendment in an alternative format or requiring accommodations in order to participate in the public hearings should contact the Office of Exceptional Children at 803-734-6516.

From: Marlene Metts
To: Vanessa Nelson-Reed
Date: 11/18/2009 9:53 AM
Subject: Fwd: RE: Release: Special Education Public Input Hearings

here's one ad for your file

>>> "Cheryl Cooper" <ccooper@midlandsbiz.com> 11/9/2009 12:28 PM >>>
Janice,

Here is the event you sent us on MidlandsBiz.com:
<http://www.midlandsbiz.com/news/around-columbia/567/>, LowcountryBizSC.com:
<http://www.lowcountrybizsc.com/news/around-lowcountry/347/> and on
UpstateBizSC.com: <http://www.upstatebizsc.com/news/around-upstate/314/>

Thanks and have a great day,

Cheryl Cooper

MidlandsBiz

(803)606-7493

PO Box 212097

Columbia, SC 29221

www.MidlandsBiz.com

ccooper@midlandsbiz.com

Don't forget to check out our new websites in Charleston and Greenville!

LowcountryBizSC.com: <<http://www.lowcountrybizsc.com/>>
<http://www.lowcountrybizsc.com>

UpstateBizSC.com: <<http://www.upstatebizsc.com/>>
<http://www.upstatebizsc.com>

From: Janice Fairnot [<mailto:JFAIRNOT@ed.sc.gov>]
Sent: Friday, November 06, 2009 10:05 AM
Subject: Release: Special Education Public Input Hearings

FOR IMMEDIATE RELEASE

Friday, November 6, 2009 / Special education public input hearings

Public can provide feedback on proposed amendments to special ed regulations

COLUMBIA - South Carolinians can comment on proposed amendments to state regulations affecting the education of children with disabilities at a series of regional hearings across the state.

The four hearings, coordinated by the South Carolina Department of Education's Office of Exceptional Children, are set for:

- * Nov. 9 - M.S. Child Development Center, 625 Elizabeth St., Clinton.
- * Nov. 12 - Colleton Annex Learning Center, 609 Colleton Loop, Walterboro.
- * Nov. 16 - Lexington County School District Office, 100 Tarrar Springs Road, Lexington.
- * Nov. 18 - Pee Dee Education Center, 520 Francis Marion Road, Florence.

Each meeting will be held from 5:30 p.m. until 7 p.m., and the state agency will explain the proposed amendments and accept comments.

The federal Individuals with Disabilities Education Improvement Act of 2004 was amended in December 2008 in the areas of parental consent for continued special education and related services; non-attorney representation in due process hearings; state monitoring, technical assistance, and enforcement; and allocation of funds. The amendments also incorporate a requirement relating to positive efforts to employ and advance in employment individuals with disabilities that was inadvertently omitted from the 2006 federal regulations, enforcement of violations of confidentiality, and the appeals process available to local districts determined ineligible for funding. Amendments to South Carolina State Board of Education regulations are needed to align these regulations with federal requirements.

Persons who cannot attend any of the four regional hearings can obtain copies of the proposed amendments by calling the Office of Exceptional Children at 803-734-6516 or by visiting this web site:

<http://www.ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children>

Written comments can be submitted to Marlene Metts, Office of Exceptional

Children, South Carolina Department of Education, 1429 Senate St., Room 808,
Columbia, SC 29201.

Individuals who need the proposed amendment presented in an alternative
format, or who require accommodations in order to participate in a public
hearing, should contact the Office of Exceptional Children at 803-734-6516.

All comments submitted by 5 p.m. Nov. 30, will be reviewed and considered.

From: Marlene Metts
To: Vanessa Nelson-Reed
Date: 11/18/2009 9:55 AM
Subject: Fwd: Release: Special Education Public Input Hearings
Attachments: Special education public input hearings.doc

Here's the release Janice sent to all the department's media contacts.

>>> Janice Fairnot 11/6/2009 10:05 AM >>>

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South Carolina
Department of Education

Together, we can

*Jim Rex, State Superintendent
Office of Communications
Phone: 803-734-8815
Web: www.ed.sc.gov*

FOR IMMEDIATE RELEASE

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Document No.
State Board of Education
Chapter 43
Statutory Authority: Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C.
§ 1400
et seq. (2004)

43–243, Special Education, Education of Students with Disabilities (First Reading)

Preamble:

The State Board of Education proposes to amend R 43-243 to align state rules, regulations, and policies relating to the education of children with disabilities to the purposes and requirements of the Individuals with Disabilities Education Improvement Act of 2004 regulation 34 CFR Parts 300 and 301 as amended August 28, 2009. This regulation will amend current regulation 43-243.

Section-by-Section Discussion

Amendment:

Section I(B)(6)(c)(3)	Added language required by the federal amendment regarding parent revocation of consent
Section II(C)(2)(b)(1)-(2)	Deleted language related to an amended Proviso
Section II(O)(8)(a)-(b)	Added language required by the federal amendment regarding positive efforts to employ and advance qualified individuals with disabilities
Section III(17)(a)-(e)	Added language on fiscal sanctions and renumbered
Section IV(A)(1)(3)-(4)	Added language required by the federal amendment regarding parent revocation of consent
Section V(13)(a)(1)	Added language required by the federal amendment regarding non-attorney representation
Section VI(A)(1)(a)&(e)	Added language required by the federal amendment regarding annual determinations, enforcement, and correction of noncompliance
Section VI(A)(3)(b)&(7)	Added language required by the federal amendment regarding public reporting
Section VI(B)	Renumbered section
Section VI(B)(17)	Added language to refer to previous section
Section VII(A)(6)(a)	Added language required by the federal amendment regarding subgrants to local education agencies
Section VIII(12)-(14)	Added language required by the federal amendment regarding subgrants to local education agencies

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on April 14, 2010 1:30 p.m. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Ms. Marlene Metts, Director, Office of Exceptional Children, Division of Standards and Learning, State Department of Education, 1429 Senate Street, Rutledge Building, Room 808, Columbia, South Carolina 29201. Comments must be received no later than 5:00 p.m. on March 28, 2010. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: None

Statement of Need and Reasonableness:

Description of Regulation: R 43–243, Education of Children with Disabilities

Purpose: 43–243, the Education of Children with Disabilities, is being amended in order to align state rules, regulations, and policies relating to the education of children with disabilities to the purposes and requirements of the IDEA regulation amendment.

Legal Authority: The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. § 1400 *et seq.* (2004).

Plans for Implementation: The amended regulation will be posted on the State Department of Education's Web site for review and comment. The regulation will take effect upon approval and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The IDEA regulation requires states to ensure that all children with disabilities between the ages of three and twenty-one, inclusive, residing in the state have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. The amendment of R 43-243 is necessary in order to align state rules, regulations, and policies with the IDEA regulation amendment.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional costs to the state or its political subdivisions. The amendment of the regulation will provide districts and schools with a better understanding of the requirements and purposes of the IDEA regulation.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The amendment of this regulation does not have any effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED. There will be no detrimental effect on the environment or public health if this regulation is not implemented.

Statement of Rationale: The proposed amended regulation reflects the amendments made by the U.S. Office of Special Education to the IDEA regulation in December 1, 2008. The amendment of R 43-243 would assist in aligning state regulations and policies with the amendments to the IDEA regulation.

Text:

Changes to the regulation may be found on the following pages:

- | | |
|--|-------------------------------|
| • Definition of consent | page 6 |
| • Residential and alternative residences | page 22 |
| • Positive efforts | page 54 |
| • Hearing process | page 70–72 |
| • Parental revocation of consent | page 77–79 |
| • Non-attorneys | page 109 |
| • Monitoring, Technical Assistance and Enforcement | page 124-125,
page 128–129 |
| • Confidentiality of Information* | page 129 |
| • Enforcement | page 133 |
| • Subgrants to LEAs | page 145-147
Page 156–157 |

*editorial change only